IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 23rd day of December, 2005

Crl. Bail Application No. 1128 of 2005

Order on the bail application of accused

Criminal Side

1. Moti Lal S/o Late Shri Styanarayan
2. Makkhan Lal S/o Late Sri Satyanarayan
   R/o Village Madraila
   P.S. Pilani
   District Jhunjhdu (Rajasthan)
   at present R/o 28, Haridwar Road
   Police Station Kotwali, Dehradun
   District- Dehradun. ……Applicants

Versus

State of Uttaranchal ……...Opposite Party

Arising out of Crime No. 392 of 2005
Under Sections: 376, 420, 120 B of I.P.C.
Police Station: Kotwali, Dehradun
District: Dehradun.

Hon'ble Prafulla C. Pant, J.

This is bail application moved on behalf of the applicants Motil Lal and Makkhan Lal both sons of Late Shri Satyanarayan, who are in jail in connection with Case Crime No. 392 of 2005 under Section 376, 420, 120B of I.P.C., Police Station Kotwali, Dehradun, District-Dehradun.

Heard learned counsel for the applicant and learned A.G.A.

F.I.R. is delayed by almost four months. The incident is alleged to be of June 2005. While the F.I.R. was lodged on 16.10.2005. Prima-facie there is no sufficient explanation at this stage for delay in lodging the F.I.R. by the complainant.

The medical report dated 19.10.2005 does not give any definite indication as to the rape.

In the above circumstances, without expressing any opinion as to the final merits of the case, this Court is of the view that the applicants be released on bail. Let the applicants be released on executing personal bond and furnishing of two surety bonds each of the like amount to the satisfaction of the Chief Judicial Magistrate, Dehradun.

Dt. 23.12.2005 **(Prafulla C. Pant, J.)**

Sweta